

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

=====X
GARY M. TANDLICH,

Plaintiffs,

- against -

JULIO O. MOLINA and VLADIMIR J. MOLINA,

Defendants.
-----X

Docket No. 08 CV1847 (CLB)
Trial by Jury demanded

ANSWER

Defendants, JULIO O. MOLINA and VLADIMIR J. MOLINA, by their attorneys,
NESCI - KEANE PLLC, answering the complaint herein, states:

1. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs 1 and 4 of the complaint.
2. Denies each and every allegation contained in paragraphs 3, 5, 6, 7 and 8 of the complaint.
3. Admits the allegations contained in paragraph 2.

AS AND FOR A FIRST, COMPLETE, SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE

4. That the alleged accident and the damages, if any, alleged to have been sustained by Plaintiff resulting therefrom on the occasion mentioned in the complaint were wholly or in part caused by the culpable conduct of the Plaintiff.

AS AND FOR A SECOND, COMPLETE, SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE

5. If any injuries or damages sustained by the Plaintiff were caused in whole or in part by the Plaintiff's own failure to use available seatbelt, then the Plaintiff cannot recover damages for those injuries which the use of a seatbelt would have obviated.

WHEREFORE, Defendant demands judgment dismissing the complaint herein, together with costs and disbursements of this action and for such other and further relief as to the Court may deem just and proper.

Dated: Hawthorne, New York
March 13th, 2008

NESCI - KEANE PLLC

by 

JASON M. BERNHEIMER (JB9566)

Attorneys for Defendant

Office & P. O. Address

40 Saw Mill River Road, Suite UL1

Hawthorne, New York 10532

(914) 345-0005

File No. 08-048/217555

TO: JAY S. HAUSMAN & ASSOCIATES, P.C.
Attorney for Plaintiff
Office & P. O. Address
280 North Central Avenue
Hartsdale, New York 10530
(914) 946-3344

STATE OF NEW YORK)
)SS.:
COUNTY OF WESTCHESTER)

KRISTINE CARRIZZO, being duly sworn says:

I am not a party to the action, am over 18 years of age and reside at Dutchess County, New York. On March 13, 2008, I served a true copy of an Answer with Various Demands, by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York addressed to the last known address of the addressee as indicated below:

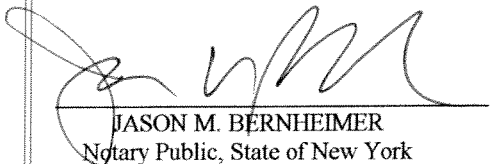
TO: JAY S. HAUSMAN & ASSOCIATES, P.C.
Attorney for Plaintiff
280 North Central Avenue
Hartsdale, New York 10530



KRISTINE CARRIZZO

SWORN to before me this

13th day of March 2008



JASON M. BERNHEIMER
Notary Public, State of New York
No. 02BE6019121
Qualified in Westchester County
Commission Expires February 1, 2011